

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0516 Education – Educational Television

ACT#: 1587

SECTION#: 2

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP - STATE. There is hereby authorized, for the Department of Education - Educational Television Division - State ~~for the 2003-2005~~ biennium, ~~the following maximum number~~ a pool of five (5) part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein ~~for such purposes: five (5) temporary or part-time employees,~~ when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. Many of these positions are related to specific projects, and those positions so related are specifically exempt from limitations of hours, either by act or regulation.

~~The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

Agency requests the above modified language be added to the Arkansas Code.

CONTINUE CURRENT LANGUAGE
WITH APPROPRIATE DATE CHANGES

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0516 Education – Educational Television

ACT#: 1587

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP - CASH. There is hereby authorized, for the Department of Education - Educational Television Division - Cash ~~for the 2003-2005 biennium, the following maximum number~~ a pool of thirty six (36) part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein ~~for such purposes: thirty six (36) temporary or part-time employees,~~ when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. Many of these positions are related to specific projects, and those positions so related are specifically exempt from limitations of hours, either by act or regulation.

~~The provisions of this section shall be in effect only from July 1, 2003-2005 through June 30, 2005-2007.~~

Agency requests the above modified language be added to the Arkansas Code.

CONTINUE CURRENT LANGUAGE
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SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CONTINGENCY. (a) To address needs emerging from the federally mandated transition to digital broadcast technology, the Department of Education, Educational Television Division shall establish and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of fifteen (15) classified positions, payable from funds appropriated herein for such purposes. These positions are to be used by the Department of Education- Educational Television Division in the event that the number and level of positions available to address the needs emerging from the installation of digital technology and the opportunity it presents to expand programming exceeds the classified positions regularly authorized for the Department of Education - Educational Television Division by the Legislature. (b) The Department of Education - Educational Television Division shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this position pool. No classifications will be assigned to the pool until such time as specific positions are requested and justified by the Department of Education- Educational Television Division, recommended by OPM and approved by the Arkansas Legislative Council. The Department of Education- Educational Television Division may transfer positions and appropriations from this pool to any appropriation/pay schedule the agency currently maintains or any appropriation/pay schedule the agency receives during the ~~2003-2005~~ 2005-2007 biennium.

DELETE CURRENT LANGUAGE
PROGRAM COMPLETED

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EXECUTIVE RECOMMENDATION

[c] Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that Department of Education - Educational Television Division could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Department of Education - Educational Television Division a special appropriation line item ~~not to exceed \$15,000~~ each fiscal year to be used in the acquisition of promotional items. When the Department of Education - Educational Television Division wishes to transfer monies from its operating expenses appropriation to the promotional items line, for Educational Purposes the AETN Commission shall approve the request and forward it to the Chief Fiscal Officer of the State for processing and for prior approval by the Arkansas Legislative Council or Joint Budget Committee. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Education - Educational Television Division may operate more efficiently if some flexibility is provided to the Department of Education - Educational Television Division authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

~~The provisions of this section shall be in effect only from July 1, 2003-2005 through June 30, 2005-2007.~~

Agency requests the above modified language be added to the Arkansas Code.

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SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~POSITION FUNDING RESTRICTION. The following two Regular Salary positions in Section 1 of this act shall only be funded from the Educational Television Divisions Cash Operations Appropriation:~~
~~———— One (1) D032 JR SYSTEMS PROGRAMMER GRADE 18~~
~~———— One (1) N355 PHOTOGRAPHER GRADE 17~~
~~———— The provisions of this section shall be in effect only from July 1, 2003 2005 through June 30, 2005 2007.~~

AGENCY REQUEST

Agency requests deletion of this language.

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0516 Education – Educational Television

ACT#: Ark Code 6-3-110

SECTION#: a,b,c

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LANGUAGE IS CODIFIED IN A.C.A. 6-3-110. Appropriation and annual audit - State employees.

AGENCY REQUEST DENIED

~~(a) No appropriation made available to the Arkansas Educational Television Commission or the Division of Educational Television of the Department of Education shall be available until such time as the chairman of the commission certifies, in writing, to the Legislative Joint Auditing Committee that an audit is being conducted of the Arkansas Educational Telecommunications Network Foundation for the previous fiscal year and has promptly been made available to that committee.~~

~~(b) At the end of each fiscal year, the chairman of the commission shall initiate an audit of the foundation by a recognized and certified public accounting firm acceptable to the Legislative Auditor with such audit standards and schedules that may be promulgated by the Legislative Auditor, such audit to be paid for by the foundation. (c) No person employed by the commission and paid from state funds shall receive supplemental compensation or remuneration from funds not appropriated by the state.~~

Agency requests deletion of the above language from the Arkansas Code.